

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1295**

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MICHAEL HRON, Captain,

Plaintiff - Appellant,

versus

PROGRESS ENERGY SERVICE COMPANY, LLC,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-03-77-5-BR)

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Submitted: July 15, 2003

Decided: August 6, 2003

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Before LUTTIG, KING, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Peter J. Sarda, WALLACE, CREECH & SARDA, L.L.P., Raleigh, North Carolina, for Appellant. Kerry A. Shad, Rosemary G. Kenyon, SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL & JERNIGAN, L.L.P., Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Michael Hron seeks to appeal the district court's order denying his motion for a temporary restraining order\* in his employment action alleging violations of the Uniform Services Employment and Re-Employment Rights Act under 38 U.S.C. §§ 4301-4333. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Hron seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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\* Hron filed a pleading captioned "Motion For Temporary Restraining Order[, ] Motion For Preliminary Injunction," on January 30, 2003. However, the district court ruled only on his motion for a temporary restraining order. As we understand the record, Hron has not pressed the district court for resolution of his motion for a preliminary injunction.